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REMARKS

It is noted from the Office Action mailed 01/14/05 that the applications cited in the information disclosure statement mailed 01/30/02 were not necessarily considered. Submitted herewith is yet another copy of such information disclosure statement, so that such references may be considered, and such consideration may be documented in the record. See MPEP 609D below:

"Applicants may wish to list U.S. patent application numbers on other than a form PTO-1449 or PTO/SB/08A and 08B format to avoid the application numbers of pending applications being published on the patent. If a citation is not printed on the patent but has been considered by the examiner in accordance with this section, the patented file will reflect that fact as noted in subsection III.C(2) above."

The Examiner has rejected Claims 1-31 under 35 U.S.C. 101, because the claimed invention is directed to non-statutory subject matter. Applicant respectfully disagrees with this rejection.

First, it is noted that, in the previous action, the Examiner did not reject Claim 28 under 35 U.S.C. 101, presumably because it was directed to a system. It thus appears that the Examiner is now considering all of the claims as "process claims," and is thus applying principals unique to such claim type. Applicant respectfully asserts that some of the claims are clearly statutory product claims and easily avoid the aforementioned rejection. Note, for example, that "[i]f a claim defines a useful machine or manufacture by identifying the physical structure of the machine or manufacture in terms of its hardware or hardware and software combination, it defines a statutory product." See, e.g., *Lowry*, 32 F.3d at 1583, 32 USPQ2d at 1034-35; *Warmerdam*, 33 F.3d at 1361-62, 31 USPQ2d at 1760.

Further, the Examiner argues that applicant's previously added claim language does not add a physical feature outside the computer or how the resultant data is used in the system. Applicant respectfully disagrees. Applicant specifically claims that "the

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voice application calls are more easily monitored.” It should be noted that the present technology of the instant application is in the realm of network analysis using network analyzers and the like. In such art, much computer processing is carried out to allow a network to be better monitored for various purposes (e.g. quality assurance, troubleshooting, security, etc.). In this specific case, applicant has claimed a similar physical act outside the computer, namely the monitoring of the voice application calls on the network.

The Examiner proposed in the previous and present action that “[a]nother option would be to add limitations which indicate the practical use of the resultant data in an overall system.” In view of the remarks made hereinabove, applicant respectfully asserts that this has been accomplished.

Nevertheless, despite the foregoing and in the spirit of expediting the prosecution of the present application, applicant further amended the claims to emphasize the foregoing monitoring as a physical act outside the computer, in the following manner:

“wherein the voice application calls are more easily monitored utilizing a graphical user interface by reducing a number of the application objects displayed on the graphical user interface. thereby displaying a compacted organizational structure including the single application object for being more easily monitored visually by a user” (emphasis added).

The claims have thus again been amended to indicate a practical use of the system.

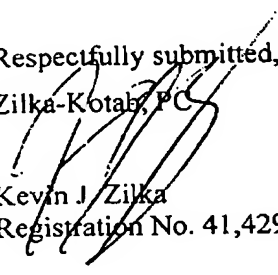
Reconsideration is respectfully requested.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. Applicants are enclosing a check to pay for the added claims. The Commissioner is authorized to charge

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any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NAI1P042).

Respectfully submitted,  
Zilka-Kotab, PC

  
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## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

P. Yago et al.

Application No. 10/017,264

Filed: 12/14/2001

For: SYSTEM, METHOD AND COMPUTER  
PROGRAM PRODUCT FOR MONITORING VOICE  
APPLICATION CALLS OVER A NETWORK

Group Art Unit: Unassigned

Examiner: Unassigned

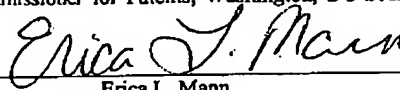
Atty. Docket No. NAI1P042/  
01.273.01

Date: January 30, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on January 30, 2002.

Signed:

  
Erica L. Mann

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §§1.56 AND 1.97(b)

Commissioner for Patents  
Washington, DC 20231

Dear Sir:

Applications 10/017,856, 10/020,706, 10/017,119, 10/020,406, and 10/017,857, all filed on December 14, 2001, may be material to examination of the above-identified patent application. Applicants identify these applications in compliance with their duty of disclosure pursuant to 37 CFR §§1.56 and 1.97. The Examiner is requested to make this statement an official record in this application. However, IT IS RESPECTFULLY REQUESTED THAT THE APPLICATION SERIAL NUMBERS AND FILING DATES NOT BE IDENTIFIED ON ANY PATENT ISSUED FROM THE ABOVE-IDENTIFIED APPLICATION under MPEP §609C(2) and §609D.

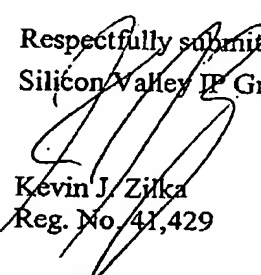
Attny Dkt No. NAI1P042/01.273.01

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This Information Disclosure Statement is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that these references indeed constitute prior art.

This Information Disclosure Statement is believed to be filed before the mailing date of a first Office Action on the merits. Accordingly, it is believed that no fees are due in connection with the filing of this Information Disclosure Statement. However, if it is determined that any fees are due, the Commissioner is hereby authorized to charge such fees to Deposit Account 50-1351 (Order No. NAIIP042).

Respectfully submitted,  
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## PATENT POSTCARD

Docket No. NAI1P042 Appn. No.: 10/017,264 Date 1/30/2002By: KJZ:Elm Filing Date: 12/14/2001 Express Mail No.: Inventor(s): P. Yago et al.Title: SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR  
MONITORING VOICE APPLICATION CALLS OVER A NETWORK

The following has been received in the U.S. Patent &amp; Trademark Office on the date stamped be

X Information Disclosure Statement  
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